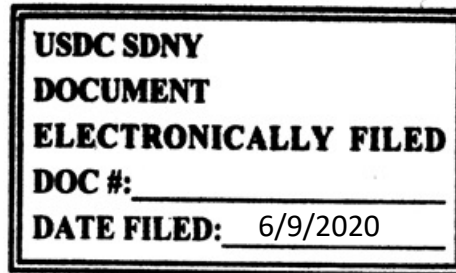


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June 9, 2020

VIA ECF

Honorable Stewart D. Aaron
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Application GRANTED. SO ORDERED.

Dated: June 9, 2020

A handwritten signature in blue ink, appearing to be "Att C an".

Re: *Viera, et al. v. The City of New York*; 19-CV-05773 (GHW)(SDA)

Dear Judge Aaron:

I write on behalf of both parties in connection with the above-referenced matter and specifically, with respect to the Plaintiffs' request for a pre-motion conference regarding the Defendant City of New York's failure to comply with Plaintiffs' Fed.R.Civ.P. 30(b)(6) Deposition Notice as to FLSA Training. (Dkt. Nos. 56, 58 and 59). The parties have resolved the dispute and therefore, plaintiffs seek to withdraw their motion (Dkt. 56) and ask that the conference scheduled before Your Honor on June 9, 2020 at 4:00pm. (Dkt. 57) be adjourned.

As Plaintiffs advised the Court in its related filings, the same discovery dispute was recently submitted in two very similar cases involving Motor Vehicle Operators employed by the City of New York in the Department of Corrections (*Nell, et al. v. City of New York*, Case No. 19-cv-06702-LGS (S.D.N.Y.) and the Department of Environmental Protection (*Gilmore, et al. v. City of New York*, Case No. 19 CV 06091 (GBD) (S.D.N.Y.). In *Gilmore*, upon reviewing the scope of Plaintiffs' Deposition Notice as to FLSA Training, Magistrate Judge Barbara Moses recently ruled that Defendant must designate a witness to testify as to topic (a) as set forth in the Notice and otherwise, modified the scope of the testimony with respect to topics (b) and (c) by striking the word "legal."

Defendant has since agreed to designate a witness to testify as to the topics (a) through (c) consistent with Judge Moses' ruling as follows:

- a) The training, if any, provided by defendant to the plaintiffs, the plaintiffs' supervisors and/or the plaintiffs' managers regarding the Fair Labor Standards Act (FLSA);
- b) The training, if any, provided by the defendant to the plaintiffs, the plaintiffs' supervisors and/or the plaintiffs' managers as to the meaning of the term "compensable work";
- c) The training, if any, provided by the defendant to the plaintiffs, the plaintiffs' supervisors and/or the plaintiffs' managers as to the meaning of the term "overtime;"

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Defendant has committed to provide the witness's availability to sit for their deposition as soon as possible. We thank the Court for its consideration and attention.

Respectfully submitted:

/s/ Hope Pordy

cc via ECF: All Counsel